THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.624 of 2006

10.01.2006

Between:

M.Sattaiah

... PETITONER

AND

The Joint Collector, Medak District, Sangareddy and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

Writ Petition No.624 of 2006

ORDER:

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Civil Supplies.

It is the case of the petitioner that the fair price shop dealership granted in his favour in 2001 in respect of Dhanura village, Tekmal Mandal, Medak District was cancelled by the proceedings of the Revenue Divisional Officer dated 16.11.2004, against which, he filed an appeal before the Joint Collector at Sangareddy. Pending disposal of the appeal, this Court by order dated 12.12.2004 in W.P.No.22349 of 2004, permitted the petitioner to continue as fair price shop dealer till the appeal is disposed of. The appellate authority dismissed the appeal by the impugned order, dated 08.12.2005, in Case No.CSA/24/A/2004 on the ground that neither the counsel for the petitioner nor the petitioner was present, even when the case was adjourned several times and finally on 01.12.2005.

It is the case of the petitioner that Sri C. Pratap Reddy, Advocate, who filed the appeal, shifted his practice to Hyderabad and therefore, he requested the office of the first respondent to send notices either to him or to another Advocate, Venkateswara Reddy, who is appearing on behalf of Sri C. Pratap Reddy in all the cases before the Joint Collector. But, the notices were not issued either to the petitioner or to his Advocate, Venkateswara Reddy and the appeal has been dismissed on merits on the ground that in the MRO enquiry report, it is found that the petitioner was not present in the shop during the enquiry though he was informed in advance, and that the price list and the stock board were not displayed and that the petitioner distributed the kerosene oil at the rate of Rs.10/- per litre in stead of Rs.9.50, i.e 0.50 ps extra per litre and 1.23 quintals of rice was also found in variation.

Admittedly, revision lies against the impugned order to the Collector and the petitioner has not filed any revision. I am not inclined to express any opinion as to whether the petitioner informed about the change of the advocate and the address to the office of the first respondent. It is for the revisional authority to pass appropriate orders.

Having regard to the facts and circumstances of case,
the petitioner is directed to file a revision petition along with a stay application within ten days from the date of receipt of a copy of this order and there shall be stay of impugned order for a period of two weeks so as to enable the revisional authority to pass appropriate orders on the stay application.

The writ petition is accordingly disposed of. No costs.

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10.01.2006

VGB